

FILED  
20 FEB 27 10:11:04  
KATHLEEN KELLY  
CLERK OF COURT

IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO

ROBERT PARMERTOR, Individually  
and as Administrator of the Estate of  
Daniel Parmertor, deceased  
104 Sugarbush Glen  
Chardon, Ohio 44024

and

DINA PARMERTOR, Individually and  
as Administratrix of the Estate of Daniel  
Parmertor, deceased  
104 Sugarbush Glen  
Chardon, Ohio 44024

and

JEANNIE KING, Individually and as  
Administratrix of the Estate of Russell  
King, Jr., deceased  
205 Turner Drive  
Chardon, Ohio 44024

and

RUSSELL KING  
205 Turner Drive  
Chardon, Ohio 44024

and

TODD M. MCKENNEY, Administrator  
of the Estate of Demetrius Hewlin,  
deceased  
388 S. Main Street, Ste. 402  
Akron, Ohio 44311

and

13CV000415  
JOSEPH GIBSON

COMPLAINT

(Trial by Jury Requested)

PHYLLIS FERGUSON )  
115 Chardon Avenue )  
Chardon, Ohio 44024 )

Plaintiffs )

VS. )

THOMAS M. LANE, III )  
Inmate at Geauga County Safety Center )  
12450 Merritt Road )  
Chardon, Ohio 44024 )

and )

THOMAS LANE, Jr., Individually and )  
as natural parent of Thomas M. Lane, III )  
6066 Thunderbird Drive )  
Mentor-on-the-Lake, Ohio 44060 )

and )

SARAH A. NOLAN, Individually and as )  
natural parent of Thomas M. Lane, III )  
6066 Thunderbird Drive )  
Mentor-on-the-Lake, Ohio 44060 )

and )

JACK NOLAN )  
Individually and as custodial guardian )  
of Thomas M. Lane, III )  
11546 Wilson Mills Road )  
Munson Township, Ohio 44024 )

and )

CAROLE NOLAN )  
Individually and as custodial guardian )  
of Thomas M. Lane, III )  
11546 Wilson Mills Road )  
Munson Township, Ohio 44024 )

and )

JOHN BRUENING )  
16440 Chardon Windsor Road )  
Huntsburg Township, Ohio 44046 )  
 )  
Defendants )

For their Complaint against Defendants, Thomas M. Lane, III, Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, Carole Nolan, and John Bruening, Plaintiffs allege as follows:

**PARTIES**

1. Plaintiff, Robert Parmertor, is a resident of Chardon, Geauga County, Ohio, and the surviving father and natural guardian of Danny Parmertor, deceased. He was appointed Administrator of his late son's estate and continues in that capacity to date. Plaintiff brings this wrongful-death action as the personal representative for the exclusive benefit of the survivors and next of kin of the deceased, including his parents.

2. Plaintiff, Dina Parmertor, is a resident of Chardon, Geauga County, Ohio, and the surviving mother and natural guardian of Daniel Parmertor, deceased. She was appointed Administratrix of her late son's estate and continues in that capacity to date. Plaintiff brings this wrongful-death action as the personal representative for the exclusive benefit of the survivors and next of kin of the deceased, including his parents.

3. Plaintiff, Jeannie King, is a resident of Chardon, Geauga County, Ohio, and the surviving mother and natural guardian of Russell King, Jr., deceased. She was appointed Administratrix of her late son's estate and continues in that capacity to date. Plaintiff brings this wrongful-death action as the personal representative for the exclusive benefit of the survivors and next of kin of the deceased.

4. Plaintiff, Russell King, is the surviving father and natural guardian of Russell King,

Jr., deceased.

5. Plaintiff, Todd M. McKenney, was appointed Administrator of Demetrius Hewlin's Estate, and continues in that capacity to date. Plaintiff brings this wrongful-death action as the personal representative for the exclusive benefit of the surviving next of kin of the deceased.

6. Plaintiff, Phyllis Ferguson, is the surviving mother and natural guardian of Demetrius Hewlin, deceased.

7. Defendant, Thomas M. Lane, III (hereinafter "Lane"), is currently over the age of eighteen (18), responsible for his own care, custody and control.

8. At all times relevant herein, Defendant, Thomas Lane, Jr., was and continues to be the lawful and natural parent of Thomas M. Lane, III, a minor at the time of the incident, responsible for his care, custody and control.

9. At all times relevant herein, Defendant, Sarah A. Nolan, was and continues to be the lawful and natural parent of Thomas M. Lane, III, a minor at the time of the incident, responsible for his care, custody and control.

10. At all times relevant herein, Defendants, Jack and Carole Nolan, are the grandparents of Lane and the custodial guardians of Thomas M. Lane, III, a minor at the time of the incident, and responsible for his care, custody and control.

11. At all times relevant herein, Defendant, John Bruening, was the uncle of Thomas M. Lane, III and owner of a Ruger MK III Target .22-caliber semi-automatic handgun used in the shooting, and was responsible for the proper and safe securing of the firearm.

### FACTS

12. At all times relevant herein, Defendant, Thomas M. Lane, III, was a student at

Lake Academy in Willoughby, Ohio and was required to change buses at Chardon High School in order to get to school.

13. On or about February 27, 2012, Defendant, Lane, entered the Chardon High School cafeteria with a firearm he had obtained from his Uncle, Defendant John Bruening.

14. At that time, Lane shot Daniel Parmertor, Russell King, Jr., and Demetrius Hewlin, all of whom were sitting in the cafeteria either eating breakfast or waiting for a bus to take them to a local vocational school. Defendant Lane shot three other students who survived the assault.

15. Defendant Lane fired a total of ten (10) rounds of ammunition from Defendant John Bruening's firearm at close range at the Plaintiffs.

16. Following the shooting, Defendant Lane fled the building and was later apprehended by law enforcement authorities.

17. As a direct and proximate result of the shooting, Decedent Daniel Parmertor died from his gunshot wounds on February 27, 2013.

18. As a direct and proximate result of the shooting, Decedent Russell King, Jr., died from his gunshot wounds on February 28, 2013.

19. As a direct and proximate result of the shooting, Decedent Demetrius Hewlin died from his gunshot wounds on February 28, 2013.

20. On March 1, 2012, Defendant Lane was charged with three counts of aggravated murder, two counts of aggravated attempted murder, and one count of felonious assault.

21. In June, 2012, it was determined that Defendant, Lane, would be tried as an adult and he was indicted on the six charges that were filed earlier in March, 2012.

22. Defendant, Lane, has plead guilty to three (3) counts of Aggravated Murder with a Firearms Specification in Geauga County, Ohio.

**Cause of Action of the Estate of Daniel Parmertor, Administrator of the Estate and his  
surviving beneficiaries**

**FIRST COUNT**

**(Wrongful Death)**

23. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

24. As a direct and proximate result of the assault, battery, and other torts committed by Defendant Lane, Daniel Parmertor, sustained severe and debilitating injuries and wounds that ultimately caused his death. In the manner aforementioned and to be otherwise established at trial, Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, Carole Nolan, and John Bruening facilitated, contributed to, and otherwise failed to prevent the fatal shooting.

25. As a direct and proximate result of Daniel Parmertor's death, his beneficiaries, including his parents and siblings, have suffered, and will continue to suffer, damages for the loss of his society over his life expectancy, including loss of companionship, consortium, care, assistance, protection, advice, guidance, counsel, instruction, training, and education.

26. As a direct and proximate result of his death, Daniel Parmertor's beneficiaries at the time of his death suffered damages for loss of support and loss of prospective inheritance.

27. As a direct and proximate result of his death, Daniel Parmertor's beneficiaries further suffered, and will continue to suffer, damages for mental anguish and emotional trauma.

28. As a direct and proximate result of Defendant, Lane's conduct and actions, Daniel

Parmertor's family and Estate incurred expenses necessary for his funeral and burial.

29. Daniel Parmertor's beneficiaries have been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00).

### **SECOND COUNT**

**(Negligent Supervision against Defendants, Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, and Carole Nolan only)**

30. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

31. Due to negligence in the supervision and control on the part of Defendants Thomas Lane, Jr. and Sarah A. Nolan as natural parents, and Defendants Jack Nolan and Carole Nolan as custodial grandparents, to exercise necessary influence, supervision, and/or authority over Defendant, Lane, the aforementioned attack upon Daniel Parmertor was facilitated, encouraged and/or allowed to occur.

32. Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, and Carole Nolan, knew or should have known that their negligent actions and omissions would result in severe physical and emotional injuries to Daniel Parmertor, including death.

33. As a direct and proximate result of the negligent actions and omissions of Defendants, Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, and Carole Nolan, Daniel Parmertor's beneficiaries have suffered and will continue to suffer, as aforementioned.

34. Daniel Parmertor's beneficiaries have been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00).

### **THIRD COUNT**

**( Parental Statutory Liability against Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan and  
Carole Nolan only)**

35. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

36. As a direct and proximate result of the aforementioned assault that was likely to produce great bodily harm including death, Plaintiffs have suffered, and will continue to suffer indefinitely, severe emotional injuries entitling them to relief against Defendants by authority of R.C. § 3109.10.

37. Plaintiffs are therefore entitled to a statutory award of Ten Thousand Dollars (\$10,000.00) from each natural parent of Defendant Lane and/or custodial guardian.

### **FOURTH COUNT**

**(Statutory Violations against Thomas M. Lane, III only)**

38. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

39. At all times mentioned herein, Defendant, Lane's actions were in violation of R.C. §2903.01 (aggravated murder), as well as potentially other criminal statutes.

40. Pursuant to O.R.C. §2307.60(A)(1), Plaintiff is entitled to full compensatory damages, punitive damages, attorneys' fees, and costs as a result of Defendant's violations of these and potentially other criminal statutes.

41. Pursuant to O.R.C. §2307.60(A)(2), Defendant is prohibited from denying in this civil proceeding any facts essential to sustaining a judgment pursuant to these statutory causes of



action.

42. At all relevant times herein, Defendant, Lane's actions prior to and during the shooting incident represented a conscious disregard of the rights and safety of others, specifically Daniel Parmertor and the public at large.

43. Defendant, Lane's conduct was malicious, wilful and wanton and was substantially likely to cause harm, injury, and/or death to other citizens, including Daniel Parmertor.

### **FIFTH COUNT**

#### **(Survivorship)**

44. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

45. As a direct and proximate result of the assault, battery, and other torts committed by Defendant Lane, Daniel Parmertor, sustained severe and debilitating injuries and wounds that ultimately caused his death. In the manner aforementioned and to be otherwise established at trial, Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, Carole Nolan, and John Bruening facilitated, contributed to, and otherwise failed to prevent the fatal shooting.

46. As a direct and proximate result of Defendant Lane's conduct, Daniel Parmertor suffered severe physical pain and mental anguish from the time of the incident until the time of his death, including knowledge of his impending death or injury.

47. As a direct and proximate result of Defendant Lane's conduct, Daniel Parmertor's estate has incurred medical bills and other expenses and has sustained property damage, including destruction of his clothing and personal property on him at the time of the incident.

48. As a direct and proximate result of Defendant Lane's conduct, the deceased, Daniel Parmertor suffered severe and conscious physical, emotional, and mental pain during the time of the incident, and from the time of the incident until his death several hours later.

49. As a direct and proximate result of Defendants' tortious actions and omission, Daniel Parmertor's estate has been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for compensatory and punitive damages.

**Cause of Action of Plaintiffs, Robert Parmertor and Dina Parmertor**

**FIRST COUNT**

**(Loss of Consortium)**

50. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

51. As a direct and proximate result of Defendants' aforementioned actions and omissions, Plaintiffs, Dina Parmertor and Robert Parmertor, have incurred medical bills and other expenses and have been denied their lawful parental rights and the comfort, consortium and society of their son, Daniel Parmertor, from the time of the incident until the time of his death.

52. Daniel Parmertor's parents and beneficiaries have been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for compensatory and punitive damages.

**Cause of Action of the Estate of Russell King, Jr, Administrator of the Estate and his**

**surviving beneficiaries**

**FIRST COUNT**

**(Wrongful Death)**

53. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

54. As a direct and proximate result of the assault, battery, and other torts committed by Defendant Lane, Russell King, Jr., sustained severe and debilitating injuries and wounds that ultimately caused his death. In the manner aforementioned and to be otherwise established at trial, Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, Carole Nolan, and John Bruening facilitated, contributed to, and otherwise failed to prevent the fatal shooting.

55. As a direct and proximate result of Russell King, Jr.'s death, his beneficiaries, including his parents and siblings, have suffered, and will continue to suffer, damages for the loss of his society over his life expectancy, including loss of companionship, consortium, care, assistance, protection, advice, guidance, counsel, instruction, training, and education.

56. As a direct and proximate result of his death, Russell King, Jr.'s beneficiaries at the time of his death suffered damages for loss of support and loss of prospective inheritance.

57. As a direct and proximate result of his death, Russell King, Jr.'s beneficiaries further suffered, and will continue to suffer, damages for mental anguish and emotional trauma.

58. As a direct and proximate result of Defendant, Lane's conduct and actions, Russell King, Jr.'s family and Estate incurred expenses necessary for his funeral and burial.

59. Russell King, Jr.'s beneficiaries have been injured and damaged in a sum in excess

of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00).

**SECOND COUNT**

**(Negligent Supervision against Defendants, Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan,  
and Carole Nolan only)**

60. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

61. Due to negligence in the supervision and control on the part of Defendants Thomas Lane, Jr. and Sarah A. Nolan as natural parents, and Defendants Jack Nolan and Carole Nolan as custodial grandparents, to exercise necessary influence, supervision, and/or authority over Defendant, Lane, the aforementioned attack upon Russell King, Jr. was facilitated, encouraged and/or allowed to occur.

62. Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, and Carole Nolan, knew or should have known that their negligent actions and omissions would result in severe physical and emotional injuries to Russell King, Jr., including death.

63. As a direct and proximate result of the negligent actions and omissions of Defendants, Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, and Carole Nolan, Russell King, Jr.'s beneficiaries have suffered and will continue to suffer, as aforementioned.

64. Russell King, Jr.'s beneficiaries have been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00).

### **THIRD COUNT**

**( Parental Statutory Liability against Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan and  
Carole Nolan only)**

65. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

66. As a direct and proximate result of the aforementioned assault that was likely to produce great bodily harm including death, Plaintiffs have suffered, and will continue to suffer indefinitely, severe emotional injuries entitling them to relief against Defendants by authority of R.C. § 3109.10.

67. Plaintiffs are therefore entitled to a statutory award of Ten Thousand Dollars (\$10,000.00) from each natural parent of Defendant Lane and/or custodial guardian.

### **FOURTH COUNT**

**(Statutory Violations against Thomas M. Lane, III only)**

68. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

69. At all times mentioned herein, Defendant, Lane's actions were in violation of R.C. §2903.01 (aggravated murder), as well as potentially other criminal statutes.

70. Pursuant to O.R.C. §2307.60(A)(1), Plaintiff is entitled to full compensatory damages, punitive damages, attorneys' fees, and costs as a result of Defendant's violations of these and potentially other criminal statutes.

71. Pursuant to O.R.C. §2307.60(A)(2), Defendant is prohibited from denying in this civil proceeding any facts essential to sustaining a judgment pursuant to these statutory causes of

action.

72. At all relevant times herein, Defendant, Lane's actions prior to and during the shooting incident represented a conscious disregard of the rights and safety of others, specifically Russell King, Jr. and the public at large.

73. Defendant, Lane's conduct was malicious, wilful and wanton and was substantially likely to cause harm, injury, and/or death to other citizens, including Russell King, Jr.

#### **FIFTH COUNT**

##### **(Survivorship)**

74. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

75. As a direct and proximate result of the assault, battery, and other torts committed by Defendant Lane, Russell King, Jr., sustained severe and debilitating injuries and wounds that ultimately caused his death. In the manner aforementioned and to be otherwise established at trial, Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, Carole Nolan, and John Bruening facilitated, contributed to, and otherwise failed to prevent the fatal shooting.

76. As a direct and proximate result of Defendant Lane's conduct, Russell King, Jr. suffered severe physical pain and mental anguish from the time of the incident until the time of his death, including knowledge of his impending death or injury.

77. As a direct and proximate result of Defendant Lane's conduct, Russell King, Jr.'s estate has incurred medical bills and other expenses and has sustained property damage, including destruction of his clothing and personal property on him at the time of the incident.

78. As a direct and proximate result of Defendant Lane's conduct, the deceased, Russell King, Jr. suffered severe and conscious physical, emotional, and mental pain during the time of the incident, and from the time of the incident until his death the following day.

79. As a direct and proximate result of Defendants' tortious actions and omissions, Russell King, Jr.'s estate has been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for compensatory and punitive damages.

**Cause of Action of Plaintiffs, Jeannie King and Russell King**

**FIRST COUNT**

**(Loss of Consortium)**

80. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

81. As a direct and proximate result of Defendants' aforementioned actions and omissions, Plaintiffs, Jeannie King and Russell King, have incurred medical bills and expenses and have been denied their lawful parental rights and the comfort, consortium and society of their son, Russell King, Jr., from the time of the incident until the time of his death.

82. Russell King, Jr.'s beneficiaries have been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for compensatory and punitive damages.

**Cause of Action of the Estate of Demetrius Hewlin, Administrator of the Estate and his  
surviving beneficiaries**

**FIRST COUNT**

**(Wrongful Death)**

83. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

84. As a direct and proximate result of the assault, battery, and other torts committed by Defendant Lane, Demetrius Hewlin, sustained severe and debilitating injuries and wounds that ultimately caused his death. In the manner aforementioned and to be otherwise established at trial, Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, Carole Nolan, and John Bruening facilitated, contributed to, and otherwise failed to prevent the fatal shooting.

85. As a direct and proximate result of Demetrius Hewlin's death, his beneficiaries, including his parents and siblings, have suffered, and will continue to suffer, damages for the loss of his society over his life expectancy, including loss of companionship, consortium, care, assistance, protection, advice, guidance, counsel, instruction, training, and education.

86. As a direct and proximate result of his death, Demetrius Hewlin's beneficiaries at the time of his death suffered damages for loss of support and loss of prospective inheritance.

87. As a direct and proximate result of his death, Demetrius Hewlin's beneficiaries further suffered, and will continue to suffer, damages for mental anguish and emotional trauma.

88. As a direct and proximate result of Defendant, Lane's conduct and actions, Demetrius Hewlin's family and Estate incurred expenses necessary for his funeral and burial.

89. Demetrius Hewlin's beneficiaries have been injured and damaged in a sum in excess



of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00).

**SECOND COUNT**

**(Negligent Supervision against Defendants, Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan,  
and Carole Nolan only)**

90. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

91. Due to negligence in the supervision and control on the part of Defendants Thomas Lane, Jr. and Sarah A. Nolan as natural parents, and Defendants Jack Nolan and Carole Nolan as custodial grandparents, to exercise necessary influence, supervision, and/or authority over Defendant, Lane, the aforementioned attack upon Demetrius Hewlin was facilitated, encouraged and/or allowed to occur.

92. Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, and Carole Nolan, knew or should have known that their negligent actions and omissions would result in severe physical and emotional injuries to Demetrius Hewlin, including death.

93. As a direct and proximate result of the negligent actions and omissions of Defendants, Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, and Carole Nolan, Demetrius Hewlin's beneficiaries have suffered and will continue to suffer, as aforementioned.

94. Demetrius Hewlin's beneficiaries have been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00).

### **THIRD COUNT**

**( Parental Statutory Liability against Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan and  
Carole Nolan only)**

95. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

96. As a direct and proximate result of the aforementioned assault that was likely to produce great bodily harm including death, Plaintiffs have suffered, and will continue to suffer indefinitely, severe emotional injuries entitling them to relief against Defendants by authority of R.C. § 3109.10.

97. Plaintiffs are therefore entitled to a statutory award of Ten Thousand Dollars (\$10,000.00) from each natural parent of Defendant Lane and/or custodial guardian.

### **FOURTH COUNT**

**(Statutory Violations against Thomas M. Lane, III only)**

98. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

99. At all times mentioned herein, Defendant, Lane's actions were in violation of R.C. §2903.01 (aggravated murder), as well as potentially other criminal statutes.

100. Pursuant to O.R.C. §2307.60(A)(1), Plaintiff is entitled to full compensatory damages, punitive damages, attorneys' fees, and costs as a result of Defendant's violations of these and potentially other criminal statutes.

101. Pursuant to O.R.C. §2307.60(A)(2), Defendant is prohibited from denying in this civil proceeding any facts essential to sustaining a judgment pursuant to these statutory causes of

action.

102. At all relevant times herein, Defendant, Lane's actions prior to and during the shooting incident represented a conscious disregard of the rights and safety of others, specifically Demetrius Hewlin and the public at large.

103. Defendant, Lane's conduct was malicious, wilful and wanton and was substantially likely to cause harm, injury, and/or death to other citizens, including Demetrius Hewlin.

#### **FIFTH COUNT**

##### **(Survivorship)**

104. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

105. As a direct and proximate result of the assault, battery, and other torts committed by Defendant Lane, Demetrius Hewlin, sustained severe and debilitating injuries and wounds that ultimately caused his death. In the manner aforementioned and to be otherwise established at trial, Defendants Thomas Lane, Jr., Sarah A. Nolan, Jack Nolan, Carole Nolan, and John Bruening facilitated, contributed to, and otherwise failed to prevent the fatal shooting.

106. As a direct and proximate result of Defendant Lane's conduct, Demetrius Hewlin suffered severe physical pain and mental anguish from the time of the incident until the time of his death, including knowledge of his impending death or injury.

107. As a direct and proximate result of Defendant Lane's conduct, Demetrius Hewlin's estate has incurred medical bills and other expenses and has sustained property damage, including destruction of his clothing and personal property on him at the time of the incident.

108. As a direct and proximate result of Defendant Lane's conduct, the deceased, Demetrius Hewlin suffered severe and conscious physical, emotional, and mental pain during the time of the incident, and from the time of the incident until his death the following day.

109. As a direct and proximate result of Defendants' tortious actions and omissions, Demetrius Hewlin's estate has been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for compensatory and punitive damages.

**Cause of Action of Plaintiff, Phyllis Ferguson**

**FIRST COUNT**

**(Loss of Consortium)**

110. Plaintiffs incorporate by reference all of the previous allegations as if fully rewritten herein.

111. As a direct and proximate result of Defendants' aforementioned actions and omissions, Plaintiff, Phyllis Ferguson, has incurred medical bills and expenses and has been denied her lawful parental rights and the comfort, consortium and society of her son, Demetrius Hewlin, from the time of the incident until the time of his death.

112. Demetrius Hewlin's beneficiaries have been injured and damaged in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for compensatory and punitive damages.

**PRAYER**

WHEREFORE, Plaintiffs request judgment against the Defendants, jointly and/or severally, for compensatory damages and punitive damages in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) in addition to reasonable attorney fees and

litigation expenses, the costs of this action, and any legal, equitable, or declaratory relief deemed appropriate. Trial by jury is requested.

RESPECTFULLY SUBMITTED,

*Peter Marmaros/per consent*

PETER MARMAROS (#0015274)  
Djordjevic, Casey & Marmaros Co., LLC  
17 S. Main Street, Ste. 201  
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330-376-6766  
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and

*W. Craig Bashein*

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*Attorneys for Plaintiffs*

**COMMON PLEAS COURT  
LAKE COUNTY, OHIO**  
Case Designation Form (Rev. 12/11/11)

Robert Parmertor, etc., et al.

Cas

**13CV000415**

**JOSEPH GIBSON**

VS

Thomas M. Lane, III, et al.

J

2013 FEB 27 4:11:03

Per LOC R. II (C)(3), refiling of cases previously dismissed under Civ. R. 41 must have a designation upon the face of the complaint that the action is being refiled. The word "REFILING" must appear in upper case letter under the word "COMPLAINT". Directly beneath the word "REFILING" the complaint shall identify the case number of this dismissed action. **Former Case no.** \_\_\_\_\_

**Case Categories (Mark one category only)**

- ☐ **Administrative Appeal** (Specific ORC Sec.) Section \_\_\_\_\_
- ☐ **Consumer Sales Practices:** Actions commenced under applicable section of ORC Chapters: 109, 1315, 1317, 1321, 1322, 1333, 1334, 1345, 1349, 3953, 4505, 4549, 4710, 4712, 4719, 4775, 4905 or 5311
- ☐ **Contract or Quasi Contract**
- ☐ **Criminal**
- ☐ **Declaratory Judgment**
- ☐ **Foreclosure**
- ☐ **Foreign Judgment**
- ☐ **Malpractice** (specify) \_\_\_\_\_
- ☐ **Credit Card (CI)**
- ☒ **Personal Injury**
- ☐ **Product Liability**
- ☐ **Professional Tort**
- ☐ **Provisional Remedy** (Replevin, Attachment, Garnishment)
- ☐ **Workers Compensation**
- ☐ **Other Tort** \_\_\_\_\_
- ☐ **Other Civil** \_\_\_\_\_

The designation "money only" may not be used if one of the above specific categories is applicable. Further, the caption shall note any statutory provision that is unique to the particulate cause and controls the time within which the case is to proceed, once filed. (EX. Miscellaneous – Contest of Election (ORC Section 3515.10 – Hearing within 30 days.)

Revised Code Section unique to this particular cause which controls the time within which the case is to proceed: \_\_\_\_\_

*W. Craig Bashein*

Signature

W. Craig Bashein, 0034591

Printed name & Registration No.

Bashein & Bashein Co., L.P.A.

Firm name

50 Public Square, 35th Floor, Cleveland, OH 44113

Address

216-771-3239

Phone number

revised 6/09 mgk

IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO

	Plaintiff	)	CASE NO.
vs		)	
		)	ORDER
	Defendant	)	
		)	

In the interest of the most economical and efficient use of the Court's time and to speed the case to conclusion, the following order is hereby made in this cause and shall be binding on all parties hereto, in addition to the 1996 Local Rules of Court for Lake County and their amendments.

**NOTE: AMENDMENT TO LOC.R. III(A)(1) SPECIFICALLY LIMITING TO TEN (10) PAGES THE BODY OR TEXT OF ANY DOCUMENT.**

**PRETRIAL PROCEDURES**

1. Discovery must commence immediately upon filing the cause and must be complete by the pretrial. Failure to complete discovery by the pretrial may result in sanctions being imposed. Discovery may continue beyond the pretrial only upon leave of Court.
2. The obligation to inform the Court of special matters, pleadings, motions, etc., (e.g., replevin, attachment, TRO, protective order) is upon the respective counsel. If immediate relief is requested, counsel must notify the Assignment Commissioner of this Court.
3. The filing of leaves to plead, motions or other pleadings, on any matter, shall not change pretrial or trial dates. Only one (1) thirty day leave will be permitted on the answer. All leaves should be accompanied by a journal entry.
4. A pretrial will be scheduled approximately six (6) months after filing of the complaint and trial will be approximately thirty (30) days thereafter. Each counsel shall submit the pretrial form to the Court's bailiff at the time of the pretrial. The pretrial form shall not be filed.

Continuance of a pretrial may be obtained upon a telephone call to the Court's Assignment Commissioner at (440) 350-2705.

The respective attorneys shall contact each other prior to the scheduled pretrial with the purpose of resolving all issues as well as settlement.

The attorney who intends to try the case must attend the pretrial and must be fully informed about the case and be prepared to discuss settlement at the pretrial. Counsel must, without exception, have his client present or have full authority to settle. If any party is represented by an insurance carrier, an insurance representative must be present with full authority to settle.

5. A case management conference may be scheduled at the request of any party. During the conference, the Court shall establish priorities and a schedule to guide the case to conclusion. During the case management conference, firm discovery and dispositive motion deadlines and pretrial and trial dates will be established.
6. Failure to appear at any scheduled proceeding may result in sanctions being imposed against any party and/or his or her counsel.
7. After the pretrial has been set, a motion for summary judgment may be made only with leave of court, in accordance with Civ.R. 56.
8. Motions for default judgment may be set for oral or non-oral hearings, but regardless of the type of hearing, the motion will not be granted unless supporting evidence is also presented.
9. The parties, without exception, are to abide by Loc.R. III(A)(1), specifically limiting to ten (10) pages the body or text of any document, except a complaint, counterclaim, crossclaim or third party complaint. Further, the Court shall strictly enforce Civ.R. 11.
10. In accordance with Loc.R. III(D)(2) and (3), parties shall not attach copies of cases cited in their briefs unless the case cannot be found on Lexis or Westlaw. In addition, parties shall not attach to their filings any copies of pleadings, motions or notices already filed in the case.
11. Pursuant to the Court of Common Pleas Journal Entry of May 5, 2006, certain "personal and private" information, including social security numbers and full financial account numbers, may not be included in a public record. It is the responsibility of the filing party and counsel to remove such information prior to filing. Documents containing personal and private information that is not redacted may be stricken from the record.

## **TRIAL PROCEDURES**

12. No continuance of a TRIAL date will be granted without filing a written motion with the signature of the client along with a supporting affidavit or other appropriate documentation. The motion must be accompanied by a judgment



entry with a blank space for the Court to insert the next appropriate court date(s). For continuances of a pretrial, see No. 4.

13. Where video tape depositions or written depositions are to be used at trial, objection to any testimony must be brought to the attention of the Court at least two (2) weeks before trial by motion, listing the specific objections upon which ruling is required, as well as transcribing those portions pertinent to the objections. No objections to depositions will be entertained at trial.

Video tape depositions of each witness shall be limited to one (1) hour for each party. Irrespective of time, each party may conduct one (1) direct examination and one (1) re-direct examination, one (1) cross-examination and one (1) re-cross examination only. All material in excess of the above time will be excluded.

14. Trial briefs shall be filed with the Clerk of Courts two (2) weeks prior to the scheduled trial date. Counsel shall submit to this Court prior to trial any stipulations agreed upon by the parties.
15. EXHIBITS: Two (2) copies of the exhibit list shall be delivered to the Court on the day of trial. Counsel shall also exchange copies of all exhibits and exhibit indexes on this date.

Exhibits shall be marked prior to trial. Plaintiff shall mark exhibits with numbers; defendant shall mark exhibits with letters.

16. Pursuant to Civ.R. 51(A), the jury shall receive a written copy of the Court's instructions. Prior to the end of trial, each party shall submit a complete set of proposed jury instructions, including any special instructions outside of the standard Ohio Jury Instructions.

The parties shall submit one copy of the written instructions to opposing counsel and one written copy to the Court. The parties shall also provide an electronic copy in Word or WordPerfect (on disk or by e-mail sent to CommonPleasCourtIII@lakecountyohio.gov) to the Court so that the proposed instructions may be adjusted or corrected. Neither the written copy nor the electronic copy should be filed with the Clerk of Courts, unless preservation of appellate rights is concerned.

17. The Court is to be notified immediately when settlement is reached on cases already assigned for trial. The judgment entry of settlement is to be submitted to the Court within fourteen days of reporting settlement or by the trial date, whichever occurs first, and should dispose of all claims, crossclaims, counterclaims, etc.

If a case is dismissed pursuant to Civ.R. 41(A) on the eve of trial or the morning of trial and a jury has already been summoned, the plaintiff must bear the cost of summoning the jury.

If a case is settled on the eve of trial or the morning of trial, the cost of summoning the jury shall be borne equally by the parties or as set forth in the settlement entry.

18. BANKRUPTCY: Upon a party filing a petition for bankruptcy in the Federal Court, counsel is to file with the Clerk of Courts a notice of said filing indicating the bankruptcy case number and the date of filing. The Common Pleas case shall then be stayed pursuant to 11 USCA §362. Respective counsel shall notify this Court when the debtor is discharged.

/s/ JOSEPH GIBSON  
Joseph Gibson, Judge